

Adversary Case Opening

For Attorneys

Opening an Adversary proceeding involves entering the necessary information regarding the plaintiff, defendant, and basic statistical data. The complaint is incorporated into this process and will not need to be docketed separately. During the filing of this event (unlike the opening of a Bankruptcy Case), the attorney for the plaintiff must select himself/herself at the attorney selection screen. (Refer to Step 9, page 6)

- STEP 1** Click the Adversary hyperlink on the CM/ECF main menu bar. (See Figure 1.)

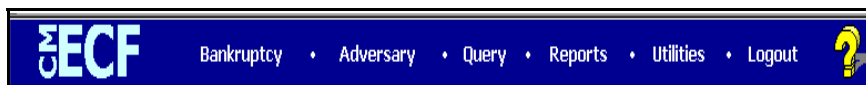


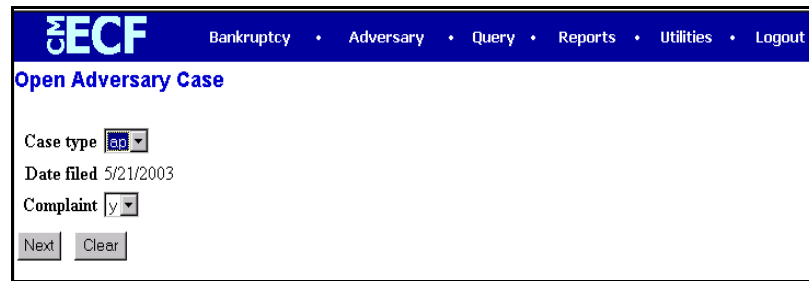
Figure 1

- STEP 2** Click on the Open an AP Case hyperlink displayed on the **ADVERSARY EVENTS** screen. (See Figure 2.)



Figure 2

- STEP 3** The **CASE DATA** screen displays. (See Figure 3.)



ECF Bankruptcy • Adversary • Query • Reports • Utilities • Logout

Open Adversary Case

Case type

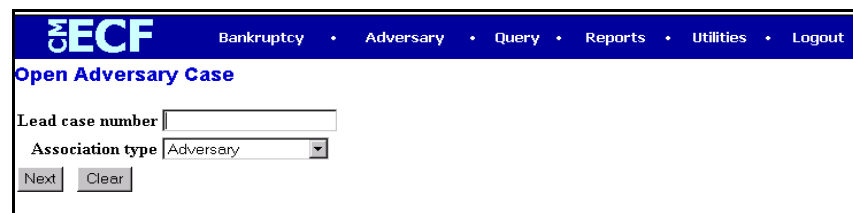
Date filed 5/21/2003

Complaint

Figure 3

- ◆ The case number will be generated at the end of this process. Make sure you take note of it on the final screen.
- ◆ The **Case Type** value is ap for adversary proceeding.
- ◆ The current date is displayed next to **Date Filed**.
- ◆ The Complaint field signifies the lead event for this proceeding. If you are filing something other than a complaint such as a Notice of Removal, select **(n)** for no.
- ◆ Click **[Next]**.

STEP 4 The **LEAD CASE/ASSOCIATION TYPE** screen appears. (See Figure 4.)



ECF Bankruptcy • Adversary • Query • Reports • Utilities • Logout

Open Adversary Case

Lead case number

Association type

Figure 4

- ◆ Enter the **Lead Bankruptcy Case Number** in yy-nnnnn format, including the hyphen.

NOTE: If the case number is invalid or if the lead case does not reside on this database, an error message, “**YY-NNNNN is not a valid case. Please enter a valid value.**” is generated. You will not be able to proceed with the case opening process. Research the reason for the error.

If you **do not** enter any number in the **Lead Case Number** field the system **will** allow you to proceed with case opening.

- ◆ The **Association type** defaults to Adversary. Other selections are Consolidated, Jointly Administered, and Related. Leave the default and click **[Next]**.

STEP 5 The **CASE ASSIGNMENT** screen displays. Case assignment is based on the lead Bankruptcy case. (See Figure 5.)

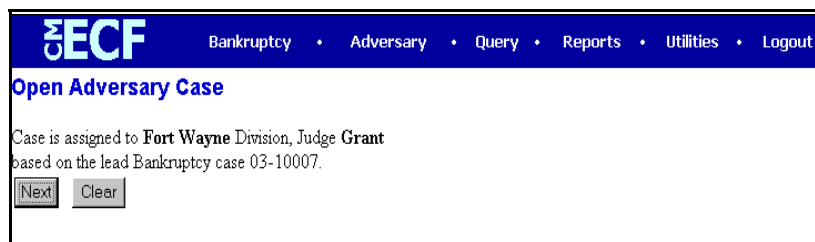


Figure 5

- ◆ Click **[Next]**.

STEP 6 The **PARTY SEARCH** screen appears. (See Figure 6.)

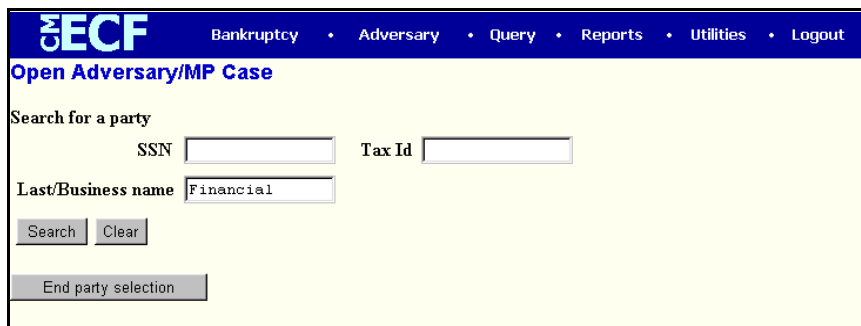


Figure 5

- ◆ Before adding a party, it is recommended that one search the database for the filer. One can search by Social Security Number, Tax Identification Number, Last Name or Business Name.
 - Enter the last name of the party to be searched. If this is a business filing, enter the first word of the name to search the database. The entire business name is stored in the **Last/Business name** field. The field size is 80 characters

Search Hints:

- Enter one field of data for each search.
- Format Social Security Number or Tax ID with hyphens.
- Searching is case sensitive. (Smith, not smith)
- Include punctuation. (O'Brien, Zeta-Jones)
- Try alternate search clues if your first search is not successful.
- Partial names can be entered.
- Wild cards (*) are not required at the end of search strings.
- Wild cards may be used before or within search strings. (*son, Gr?y)
- Do not search only by the asterisk * itself.

- ◆ Enter the plaintiff's last name or other search clue and click **[Search]**. In Figure 6 we have entered the first word or the plaintiff's name (Financial).

NOTE: Do not use the asterisk * by itself as search criteria. If just the asterisk is used, the entire database will be searched and require unnecessary systems resources and may degrade response time.

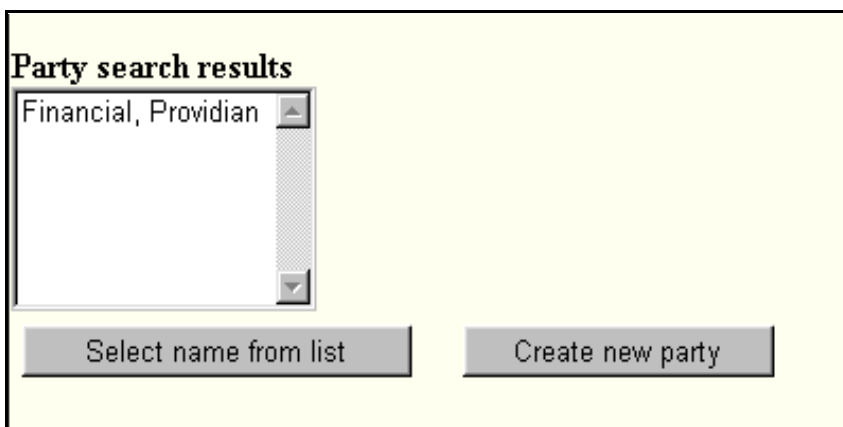
STEP 7 The **SEARCH RESULTS** screen appears. (See Figure 7a.)

The screenshot shows the CM/ECF web interface. At the top is a blue navigation bar with the CM/ECF logo and links for Bankruptcy, Adversary, Query, Reports, Utilities, and Logout. Below the navigation bar is a section titled "Search for a party" with input fields for SSN, Tax Id, and Last/Business name. There are "Search" and "Clear" buttons. Below this is a section titled "Party search results" containing a scrollable list box with the text "Financial, Providian". At the bottom of this section are two buttons: "Select name from list" and "Create new party".

Figure 7a

NOTE: If the designated party was already on the database, the Party Search Results screen would provide a listing of parties matching your search criteria. In that situation you would select the party by highlighting the name with your mouse and click on the **[Select Name From List]** button. (See Figure 7b.)

- ◆ In Figure 7b the only party on the database matching the search criteria was Providian Financial. Since our party, Financial Services is not on the list, click the **[Create New Party]** button.



This is a close-up of the "Party search results" section from Figure 7a. It shows a scrollable list box containing the text "Financial, Providian". Below the list box are two buttons: "Select name from list" and "Create new party".

Figure 7b

NOTE:

Your name search may find more than one record having the same name as shown in **Figure 7c**. Clicking on each of the names will display a window showing the party's address information for verification.

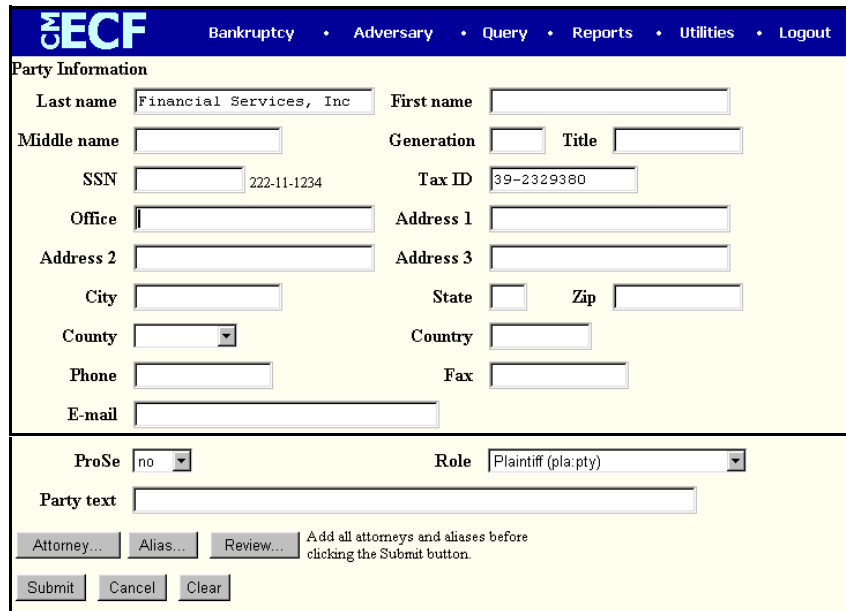
If none of the addresses are correct for this party, you can either 1.) modify the address (for this case only) on the following PARTY INFORMATION screen, or 2.) click on the **[Create new party]** button to add a new person record with this address.

The screenshot shows the CM/ECF web application interface. At the top is a navigation bar with links: Bankruptcy, Adversary, Query, Reports, Utilities, Logout, and a help icon. Below this is a 'Search for a party' section with input fields for SSN, Tax Id, and Last/Business name, and Search and Clear buttons. A 'Party search results' list shows two entries for 'American Express', with the second entry highlighted in red. Below the list are buttons for 'Select name from list' and 'Create new party'. A pop-up window titled '{Person Address} - Netscape' is open, displaying the address: American Express, 3091 Sizemore Rd., Dallas, TX 78555.

Figure 7c

STEP 8 The **PARTY INFORMATION** screen appears. (See Figure 8.)

- ◆ Enter the plaintiff's **Name** and **Tax ID** or **SSN** information in the appropriate boxes.

**Figure 8**

- ◆ Expand the **Role Type** selection pick list by clicking on the down arrow ▼ and select Plaintiff.
- ◆ The **Party Text** field is used for further party description, such as A California Corporation or Executor for the Estate of.... This information will appear on the caption of the docket report immediately after the party's name.
- ◆ Click on the **[Attorney]** button on the **PARTY INFORMATION** screen. (See Figure 8.)

STEP 9 For adversary openings **ONLY**, you will need to add yourself as the attorney representing the plaintiff(s). Steps 9 - 11 will show how this is done.

- ◆ Your attorney record already exists on the court's database in an attorney roll that is maintained by court staff.

The **ATTORNEY SEARCH** screen allows you to retrieve your attorney record by either State Bar ID or Last Name (or partial Last Name.) (See Figure 9.)

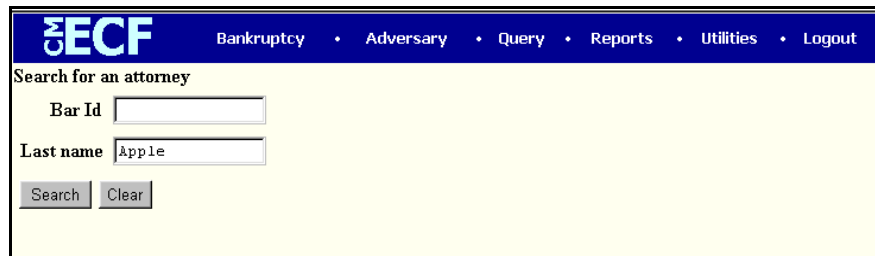


Figure 9

- ◆ This exercise illustrates how one could search for the attorney Cornelius Appleby. The search clue entered in the Last Name field is the beginning of his last name.
- ◆ Click on **[Search]**.

STEP 10 The **ATTORNEY SEARCH RESULTS** screen will display all the matches for the search clue you entered. (See Figure 10.)

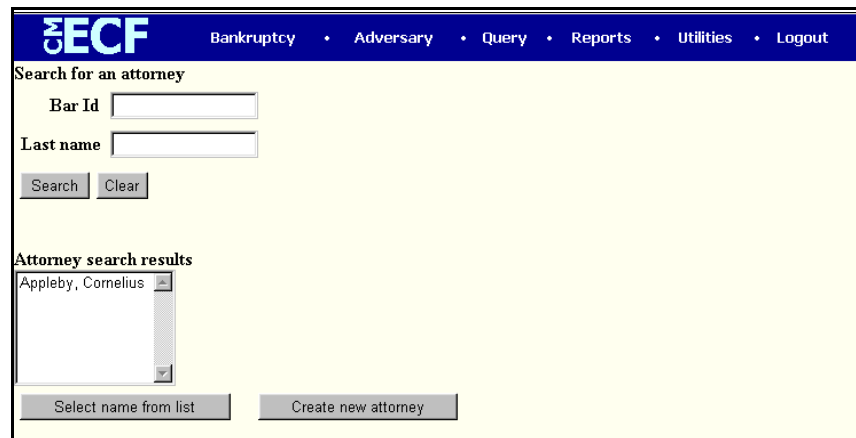


Figure 10

- ◆ When your name appears, highlight it with your mouse and click on **[Select Name From List]**.

- STEP 11** The **ATTORNEY INFORMATION** screen displays the master attorney record from the court attorney roll. (See Figure 11a.)

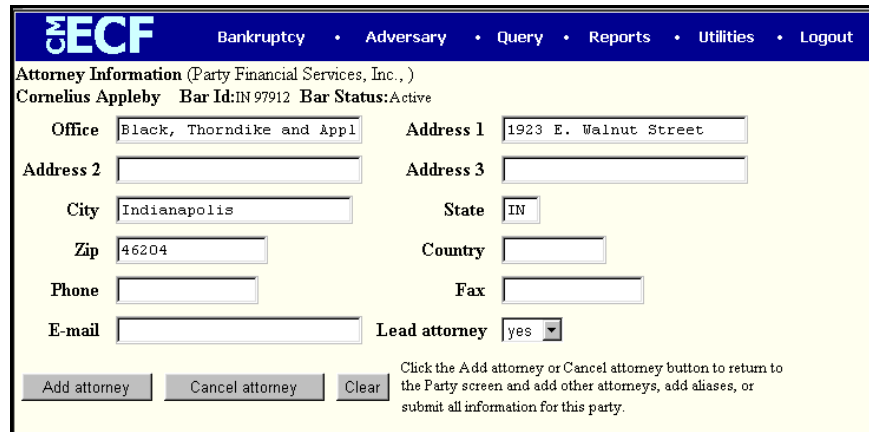


Figure 11a

- ◆ After verifying this information, click **[Add Attorney]** to associate this record with your plaintiff.
- ◆ The main **PARTY INFORMATION** screen again appears. (See Figure 8.) At this time you could click on the **[Review]** button to verify attorney and alias information for this party. Figure 11b shows how this information is displayed.
- ◆ Click on the **[Return to Party]** button.




Figure 11b

- ◆ When the Party Information screen appears again, Click **[Submit]**.

- STEP 12** You have added the plaintiff and if there are no more plaintiffs, the next step is to add the defendant(s). The **PARTY SEARCH** screen will appear again for that purpose. (See Figure 12.)

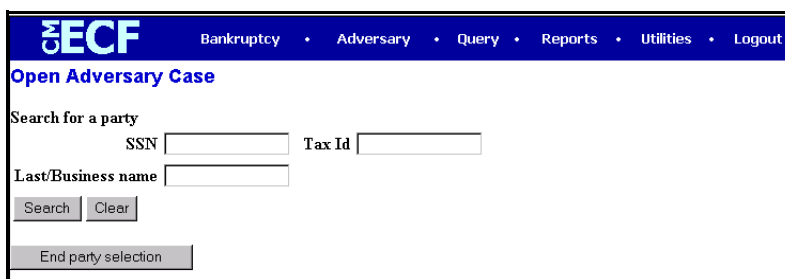


Figure 12

- ◆ Enter party information for the defendant Dale A. Daniels. Search by last name.

- STEP 13** When the **SEARCH RESULTS** screen appears, the party will be displayed because Dale Daniels is already a debtor on the bankruptcy case. (See Figure 13.)

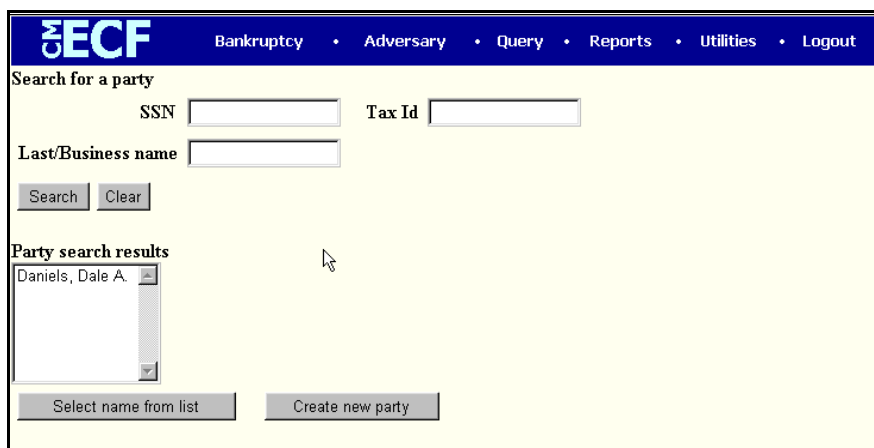


Figure 13

- ◆ Highlight the name and click on **[Select name from list]**.

- STEP 14** The **SEARCH RESULTS** screen appears next with this party's data and address as it is recorded in the database from the bankruptcy case. (See Figure 14.)

CM/ECF Bankruptcy • Adversary • Query • Reports • Utilities • Logout

Party Information
Dale A. Daniels SSN:301-42-6561

Office Address 1

Address 2 Address 3

City State Zip

County Country

Phone Fax

E-mail

ProSe Role

Party text

Add all attorneys and aliases before clicking the Submit button.

Figure 12

- ◆ Remove the address and county information if it appears. You must select the Party Role by clicking on the ▼ down arrow for the **Party Role** field. Highlight Defendant and click on **[Submit]**. The defendant's attorney information will be added at a later time.
- ◆ The Party Search screen will reappear. Since all parties have now been entered, click on **[End Party Selection]**. Statistical information will be entered on the next screen.

STEP 15 The **ADVERSARY STATISTICAL** screen appears.
(See Figure 15a).

ECF Bankruptcy • Adversary • Query • Reports • Utilities • Logout

Open Adversary Case

Party code: 3 U.S. not a Party

Nature of suit: 424 (Obj/Revocation Discharge 727)

Origin: 1 Original Proceeding

Transfer date:

Rule 23 (class action): n

Jury demand: None

Demand (\$000):

Next Clear

Figure 15a

- ◆ Unless the US is a plaintiff or defendant in your case, accept the default **US is not a Party in the Case** as shown in Figure 15b.

3 U.S. Not a Party in the Case

1 U.S. is a Plaintiff

2 U.S. is a Defendant

3 U.S. Not a Party in the Case

Figure 15b

- ◆ Select **426 (Dischargeability 523)** as the Nature of Suit of the complaint from the list below (See Figure 15c.). Only one suit can be selected during the opening of an adversary case.

426 (Dischargeability 523)

424 (Obj/Revocation Discharge 727)

426 (Dischargeability 523)

434 (Injunctive Relief)

435 (Validity/Priority/Extent Lien)

454 (Recover Money/Property)

455 (Revoke Plan Confirmation)

456 (Declaratory Judgment)

457 (Subordinate Claim/Interest)

458 (Approval For Sale)

459 (Application For Removal)

498 (Other Action)

Figure 15c

NOTE: If one of the multiple suits is a 727 Objection to Discharge, it is important to enter 424 as the first NOS.

- ◆ The **Origin** code defaults to original proceeding. (See Figure 15d.) No action is necessary to accept the default. Other values are:

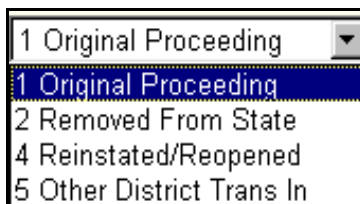


Figure 15d

- ◆ The default in the **Rule 23 (Class Action)** box is *n*. Change the default to *y* only if this is a Class Action suit.
- ◆ The default in the **Jury Demand** box is *n* (None). (See Figure 15e.)

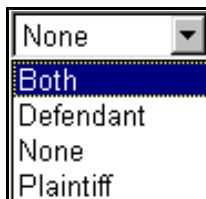
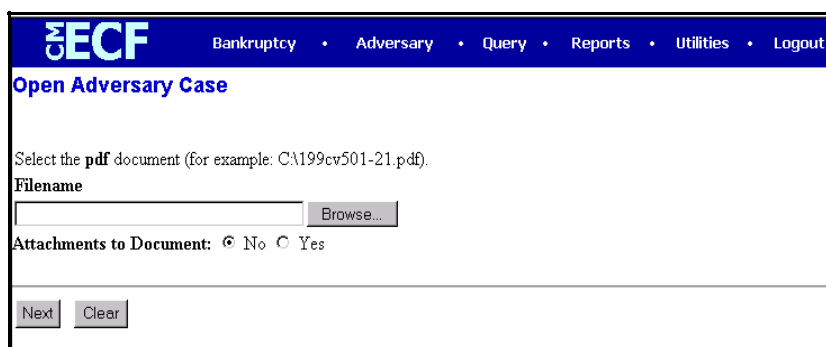


Figure 15e

- Highlight the appropriate selection.
- ◆ **Dollar Demand.** If there is a dollar demand, enter the amount in thousands to the nearest thousand. For example, if the Dollar Demand is \$4550, \$5,000, or \$5499, you would enter 5 for \$5000, leaving off the 000.
- ◆ Verify the data on your screen and then click **[Next]**.

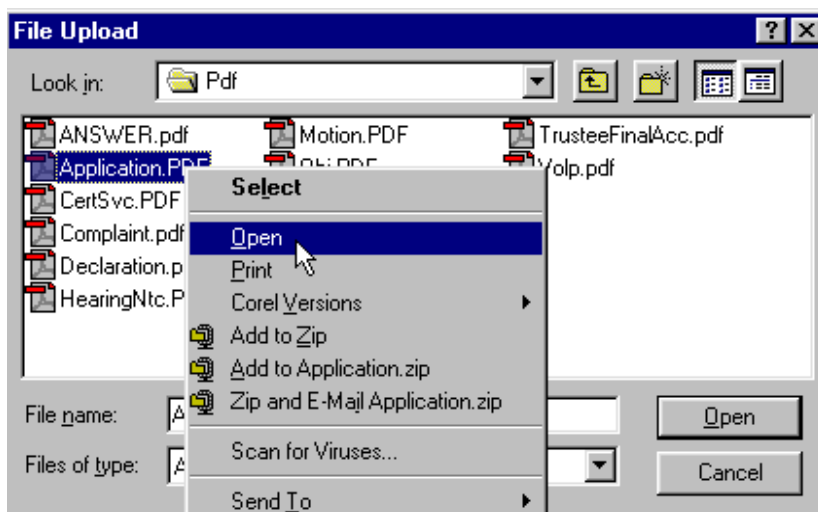
STEP 16 The **PDF DOCUMENT SELECTION** screen displays. (See Figure 16a.)



The screenshot shows a web form titled "Open Adversary Case" with a blue header bar containing the ECF logo and navigation links: Bankruptcy, Adversary, Query, Reports, Utilities, and Logout. The form instructions state: "Select the pdf document (for example: C:\199cv501-21.pdf)." It features a "Filename" text input field followed by a "Browse..." button. Below this is a radio button group for "Attachments to Document:" with options "No" (selected) and "Yes". At the bottom are "Next" and "Clear" buttons.

Figure 16a

- ◆ To associate the imaged document with this entry, select the PDF filename of the complaint you are filing.
 - Click **[Browse]**, then navigate to the directory where the appropriate PDF file is located and select it with your mouse.
 - To make certain you are about to associate the correct PDF file for this entry, right click on the filename with your mouse and select **Open**. (See Figure 16b.)

**Figure 16b**

- This will launch the Adobe Acrobat Reader to display the contents of the imaged document. Verify that the document is correct.
- Close or minimize the Adobe application and if that is the correct file, click Open on the File Upload dialogue box. (See Figure 16c.)

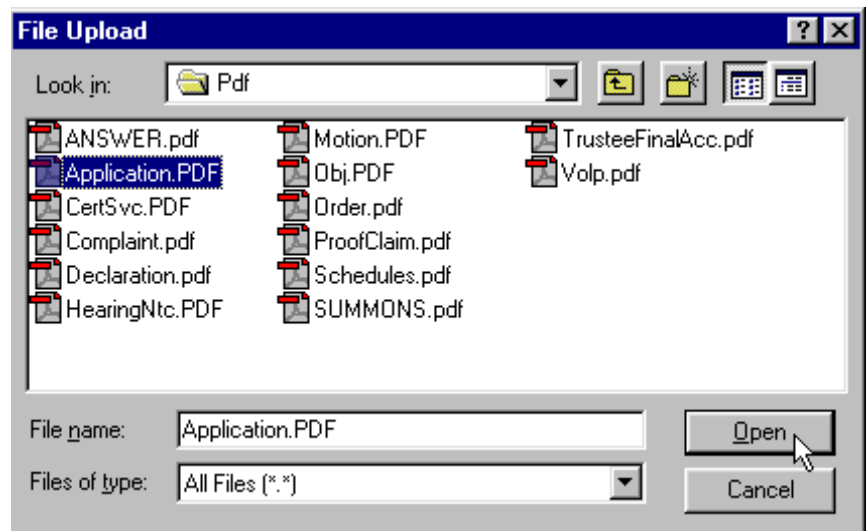


Figure 16c

- ◆ There will be no attachments in this exercise. Attachments will be covered in another lesson. Therefore, leave the radio button indicating No.
- ◆ Click **[Next]** to continue.

STEP 17 A screen with this message may appear:

“FOR COURT USERS ONLY: If this is a 727 Objection to Discharge, Docket the Flag Set-727 Objection to Discharge Event Next.,”

This is for **court staff only** and as an attorney filer; you can disregard this notation.

- STEP 18** The **FILING FEE** screen will display prompts for fee and receipt information. (See Figure 17.)

The screenshot shows the ECF system interface. At the top is a blue navigation bar with the ECF logo and links for Bankruptcy, Adversary, Query, Reports, Utilities, and Logout. Below this is a section titled 'Open Adversary Case'. A blue instruction line reads: 'COURT USERS ONLY: If this is a 727 Objection to Discharge, Set 727OBJ Flag Next.' Below that, another blue instruction line reads: 'For Receipt #, Enter CC for Credit Card . COURT USERS ONLY: For Receipt #, enter actual Receipt # or 00 Credit Card, Check, or Money Order.' There is a text input field for 'Receipt #' followed by 'Fee: \$150'. At the bottom left are two buttons: 'Next' and 'Clear'.

Figure 17

- ◆ You will not know what the **Receipt Number** is. Enter “cc” in the **Receipt #** field to indicate payment by Credit Card.
- ◆ The Fee Amount defaults to the amount of the complaint filing fee, \$150.00.
- ◆ Click **[Next]** to continue.

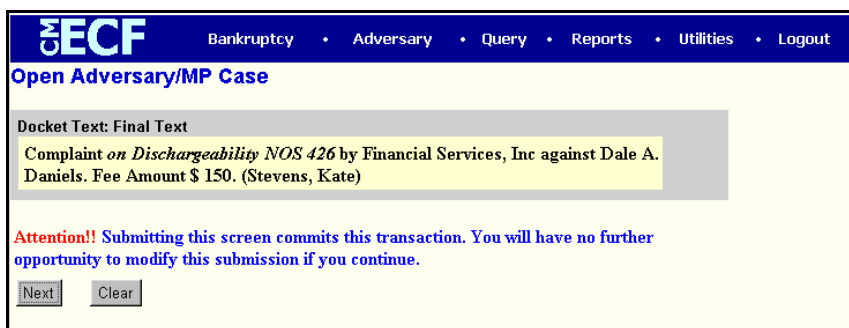
- STEP 19** The **MODIFY TEXT** screen displays. (See Figure 18.)

The screenshot shows the ECF system interface. At the top is a blue navigation bar with the ECF logo and links for Bankruptcy, Adversary, Query, Reports, Utilities, and Logout. Below this is a section titled 'Open Adversary/MP Case'. A grey box contains the text 'Docket Text: Modify as Appropriate.' Below this is a dropdown menu with 'Amended' selected. To the right of the dropdown is a text input field containing 'Complaint' followed by a space and a text input field containing 'by Financial Services, Inc.'. Below the dropdown menu is a list of options: Amended, Alias, Expedited, Ex Parte, Fifth, Final, First, Fourth, Interim, Joint, Opposition, Proposed, Sealed, Second, Sixth, Supplemental, Supporting, Third, and Third Party. At the bottom of the screen is a status bar that says 'Document: Done'.

Figure 18

- ◆ Optional prefixes are available for the final docket text. If appropriate select a prefix.
- ◆ In the text window enter Nature of Suit or description of this complaint for the docket report.
- ◆ Click **[Next]**.

STEP 20 The **FINAL DOCKET TEXT** screen displays. (See Figure 19.)



The screenshot shows the CM/ECF web interface. The top navigation bar includes links for Bankruptcy, Adversary, Query, Reports, Utilities, and Logout. The main heading is 'Open Adversary/MP Case'. Below this, there is a section for 'Docket Text: Final Text' containing the text: 'Complaint on Dischargeability NOS 426 by Financial Services, Inc against Dale A. Daniels. Fee Amount \$ 150. (Stevens, Kate)'. A red warning message states: 'Attention!! Submitting this screen commits this transaction. You will have no further opportunity to modify this submission if you continue.' At the bottom of the form are two buttons: 'Next' and 'Clear'.

Figure 19

- ◆ Proof this screen carefully! No further editing in the case opening process is allowed after this screen.
- ◆ If any part of it is incorrect, click the browser **[Back]** button to return to the screen you need to correct. Then process the screens again with the respective **[Next]** or **[Submit]** buttons.

NOTE: When an adversary is opened, the complaint information is spread over to the main bankruptcy case. (The case number does not appear in the docket text.)

When the judgment is rendered, the ruling will also spread over to the main bankruptcy case.

NOTE: To abort or restart the transaction at any time up until the final docket text screen, click the **Adversary** hyperlink on the **Menu Bar**.

STEP 21 The **NOTICE OF ELECTRONIC FILING** screen appears.
(See Figure 20a.)

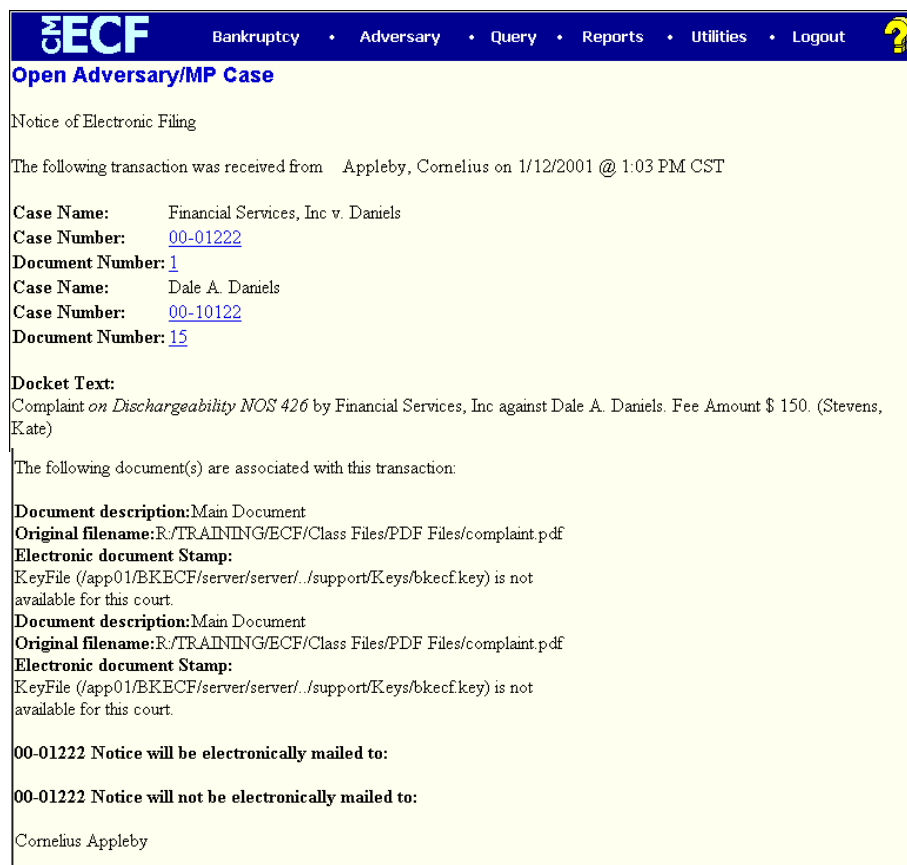


Figure 20a

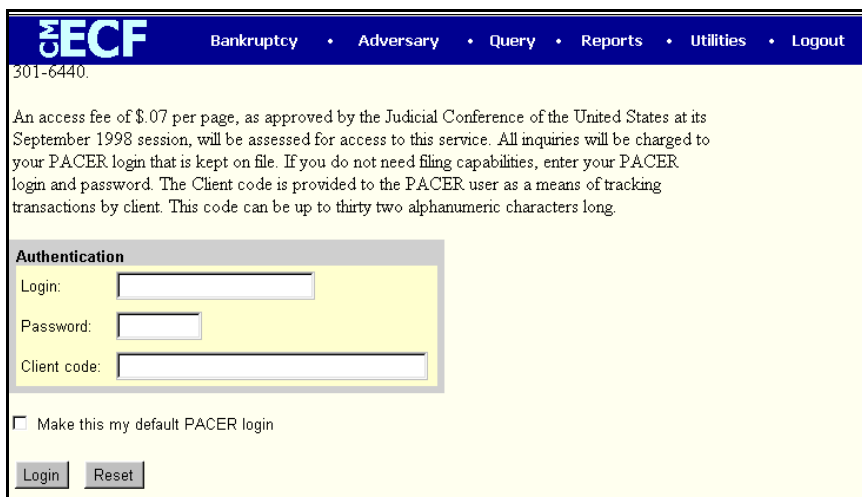
- ◆ The Notice of Electronic Filing is the verification that the filing has been sent electronically to the court's database. It certifies that this is now an official court document.
- ◆ The case number is a hyperlink to the docket sheet and clicking on the document number hyperlink will display the image of the complaint. **The case number of both this adversary and the lead bankruptcy case appear.** This indicates that this complaint entry has spread to the bankruptcy case and will be available to anyone reviewing the Bankruptcy Docket report. The hyperlink to the imaged complaint is also accessible from the bankruptcy case.

- ◆ Further access to the **Notice of Electronic Filing** is available through the electronic docket report. When this option is selected, a bullet appears next to the document number of the event on the docket report. (See Figure 20b.) Clicking on this bullet will display a copy of this notice. Attorney users will be presented with a PACER login screen first. (See Figure 20c.)

01/08/2001	 3	Application to Pay Filing Fee in Installments. 01/08/2001)
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Figure 20b

- ◆ To print a copy of this notice, click the browser **[Print]** icon.
- ◆ To save a copy of this receipt, click **[File]** on the browser menu
- ◆ Trustee and Attorney users will have access to the **Notice of Electronic Filing** at the time of their filing. Subsequent access to any Query or Report programs must go through the PACER system. (See Figure 20c.)



The image shows the PACER login interface. At the top is a blue navigation bar with the ECF logo and links for Bankruptcy, Adversary, Query, Reports, Utilities, and Logout. Below the bar, a text block explains the access fee: "An access fee of \$.07 per page, as approved by the Judicial Conference of the United States at its September 1998 session, will be assessed for access to this service. All inquiries will be charged to your PACER login that is kept on file. If you do not need filing capabilities, enter your PACER login and password. The Client code is provided to the PACER user as a means of tracking transactions by client. This code can be up to thirty two alphanumeric characters long." Below this is the "Authentication" section, which contains three input fields: "Login:", "Password:", and "Client code:". Underneath these fields is a checkbox labeled "Make this my default PACER login". At the bottom of the authentication section are two buttons: "Login" and "Reset".

Figure 20c

- ◆ When a copy of the **Notice of Electronic Filing** is mailed to each subscriber on the case, the following message will display at the top:

*****NOTE TO PUBLIC ACCESS USERS*****

You may view the filed documents once without charge. To avoid later charges, download a copy of each document during this first viewing.

- STEP 22** Below the Notice of Electronic Filing for the complaint, a second Notice of Electronic Filing for the summons will display. **(See Figure 21.)**

Notice of Electronic Filing
The following transaction was received from Harrison, George entered on 5/21/2003 at 4:50 PM EDT and filed on 5/21/2003
Case Name: Financial Services, Inc. v. Daniels
Case Number: 03-01008
Document Number: 2
Docket Text:
Summons Issued on Dale A. Daniels Answer Due 06/20/2003 Summon Issued (Harrison, George) Page 2 (Certificate of Service)
The following document(s) are associated with this transaction:
 03-01008 Notice will be electronically mailed to:
George Harrison bogus@attorney.net
 03-01008 Notice will not be electronically mailed to:

Figure 21

- ◆ Click on [Summons Issued](#) to view and print page 1 of the Summons.
- ◆ Click on [Page 2 \(Certificate of Service\)](#) to view and print page 2 of the Summons.
- ◆ After printing the Summons, it may be served on the defendant and other appropriate parties as required by the bankruptcy rules.